

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT B. FRIER,

Petitioner,

v.

Case No. 07-C-328

STEVE WATTERS,

Respondent.

ORDER

On April 5, 2007, Robert B. Frier filed a petition for a writ of habeas corpus, seeking relief under 28 U.S.C. § 2254 from his civil detention at Sand Ridge Correctional Center in Mauston, Wisconsin. Frier has been civilly detained there, pursuant to Wis. Stat. Ch. 980 (Sexually Violent Person Commitments), since a 1997 civil commitment hearing in Sauk County Circuit Court.

Generally, the court promptly screens a habeas petition, pursuant to Rule 4 of the Rules Governing § 2254 Cases, to see whether the petitioner has set forth cognizable constitutional or federal law claims, exhausted available state remedies, and timely filed. However, in this case, I must first turn to a filing matter. Rather than pay the \$5 filing fee, petitioner has applied for leave to proceed *in forma pauperis*. Under Rule 3 of the Rules Governing § 2254 Cases, a petitioner who does not pay the filing fee is required to file an affidavit of indigence as well as a certificate from the warden or other appropriate officer showing the amount of money or securities that the petitioner has in any account in the institution. Rule 3(a)(2) of the Rules Governing § 2254 Cases.

Petitioner filed the required affidavit of indigence but did not file the required trust fund account statement.

THEREFORE, IT IS ORDERED that petitioner will be given 21 days from the date of this order to pay the \$5 filing fee or to submit a certified copy of his trust fund account statement. In the event that petitioner fails to do either, this petition will be dismissed without prejudice.

Dated this 9th day of April, 2007.

s/ William C. Griesbach

William C. Griesbach

United States District Judge